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SUBJECT: KAZAKHSTAN: DAS KROL DISCUSSES HUMAN RIGHTS ACTION PLAN  
WITH HUMAN RIGHTS COMMISSION

REF: ASTANA 1516

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**¶1.** (U) Sensitive but unclassified. Not for public Internet.

**¶2.** (SBU) SUMMARY: The Chairman of the President's Human Rights Commission, Sagynbek Tursunov, asserted to Deputy Assistant Secretary for South and Central Asian Affairs George Krol and NSC Central Asia Director Kurt Donnelly on October 29 that the recently adopted Human Rights Action Plan was "well received" by Western governments at the Organization for Security and Cooperation in Europe's (OSCE) Human Dimensions Implementation Meeting (HDIM) in Warsaw. Supreme Court judge Marziya Baltabai admitted that implementation of the Plan will be "the toughest challenge," but noted that some of the Plan's recommendations are part of the government's recently adopted 10-year legal strategy. On the Zhovtis case, Tursunov said the Commission asked the authorities to conduct the trial in "full accordance with the law." Balatbai chided us for discussing an ongoing legal case and underlined that Zhovtis was treated "like anybody else under the law." END  
SUMMARY.

ACTION PLAN -- "HARD TO CHANGE LAWS OVERNIGHT"

**¶3.** (SBU) On October 29, Deputy Assistant Secretary for South and Central Asian Affairs George Krol and NSC's Director for Central Asia Kurt Donnelly met with the Chairman of the President's Human Rights Commission, Sagynbek Tursunov. Members of Parliament Nikolay Turetskiy and Nurlan Abdikov, Supreme Court judge Marziya Baltabai, and Human Rights Commission's staff member Yeskendir Nauryzbayev also attended. Tursunov told DAS Krol that the Human Rights Commission advises the President and the Parliament on ways to raise Kazakhstan's human rights legislation to international standards. He highlighted the Commission's recently-adopted Action Plan for Human Rights 2009-2012 (reftel). Drafted with significant input from NGOs, he asserted that it was "very well received" by Western governments at the Organization for Security and Cooperation in Europe's (OSCE) Human Dimensions Implementation Meeting (HDIM) in Warsaw.

**¶4.** (SBU) DAS Krol noted that the Action Plan is an "important step" in Kazakhstan's effort to bring into compliance its legislation with

international standards and asked Tursunov about the Commission's strategy for the Plan's implementation. Tursunov said the Commission is publicly presenting the Plan in regional capitals to "raise public awareness of the Plan's existence." He admitted that not all of Kazakhstan's laws comply with international standards, and asserted the Commission is working on introducing appropriate legislative changes. The Supreme Court's Baltabai agreed that the Plan's implementation will be "the toughest challenge. It is hard to change laws overnight." The government included some of the Plan's proposals in its recently-adopted 10-year legal strategy, she said.

ZHOVTIS WAS "TREATED LIKE ANYBODY ELSE"

¶15. (SBU) Krol noted that the media and international community's high degree of scrutiny of the case of Yevgeniy Zhovtis, one of the principle drafters of the Action Plan. He asked Tursunov about the Human Rights Commission's reaction to allegations that Zhovtis' basic rights were violated during the trial and appeal. Tursunov acknowledged Zhovtis' "great contribution" to the Action Plan and said the Commission "from the very beginning" urged that the trial be conducted in "full accordance with the law."

¶16. (SBU) Baltabai interjected to say that discussion of an ongoing case could be construed as interference in the judicial system. "As a representative of the judicial system, I would urge you not to discuss an ongoing legal case, as I am sure you would tell me about cases in your own country. Mr. Zhovtis has not exhausted all his appeal motions, and he is welcome to turn to a court of higher instance." (NOTE: Balatbai was vague on which "higher instance court" she meant, creating the impression that Zhovtis can appeal to the Supreme Court. In response to Krol's question, she clarified that she meant the judicial review panel of the appellate court, an

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option Zhovtis' defense team plans to pursue. END NOTE.) "My worry is that the rights of many defendants are not always protected during trials," she said, "but such are our laws, and judges must follow the law. I am sorry Mr. Zhovtis has found himself in this situation," she continued, "but he was treated like anybody else under the law, and I would advise you not to create too much excitement around his case lest regular people be offended."

¶17. (SBU) COMMENT: It is noteworthy, but not surprising, that the Human Rights Commission is steering clear of the case against Zhovtis, a member of the Commission and the country's leading human rights defender. The Commission is part of the Presidential Administration, and it most likely would not dare to depart from the party line about this case without highest-level approval. END COMMENT.

¶18. (U) DAS Krol and Director Donnelly cleared this cable.

HOAGLAND